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09/965,405	09/26/2001	Tami L. Guy	10013329-1	3798

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EXAMINER

CHILCOT, RICHARD E

ART UNIT

PAPER NUMBER

3627

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/965,405
Filing Date: September 26, 2001
Appellant(s): GUY ET AL.

MAILED

JUL 29 2004

GROUP 3600

Michael A. Goodwin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 7, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.
For the above reasons, it is believed that the rejections should be sustained.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-12, 13-17, 18 and 19-23 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,167,378 WEBBER, Jr. 12-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. § 103(a). This rejection is set forth in a prior Office Action, mailed on 12-15-2003.

Claims 13-23 are rejected under 35 U.S.C. § 103(a). This rejection is set forth in a prior Office Action, mailed on 12-15-2003.

(11) *Response to Argument*

Concerning appellants' argument that Webber, Jr. does not teach "authorizing said second organization to take an order from a customer", the examiner is of another opinion. A review of claim 1, states that the first organization enters into a contract with a second organization as well as authorizing the second organization to take orders for products and services not produced by the first organization. Turning now to Webber, Jr., we see a system that has a first organization (an ISP, private provider, web page, etc.) which has entered into a contractual agreement with a second organization (broker, marketer) to take orders for a third organization (winery). It is clear the orders taken by the second organization are for products and services not provided by the first organization.

With respect to appellants' argument that Webber, Jr. taken alone or in combination suggests the features of claims 2-5 of the instant application, the examiner presents to following findings. Firstly, appellants have not cited the particular features not taught by Webber, Jr. Secondly, Webber, Jr. discloses numerous organizations that provide services and/or products to customers; for example, financial institutions and shippers.

Concerning appellants' argument that Webber, Jr. does not teach the features of claims 6 and 7, the examiner respectfully disagrees. As seen in col. 7, lines 49-60, of Webber, Jr., there is a digital record which confirms the item(s) was delivered.

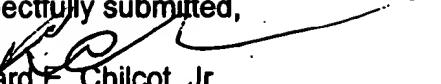
Regarding appellants' arguments concerning Issue B, these arguments are similar to those presented against Issue B. For the same reasons, Webber, Jr. discloses or suggests all these features as set forth in the Final Office action as well as herein above.

Concerning appellants' argument that Webber, Jr. does not teach "requiring the third organization to notify the first organization when the order exceeds a predetermined credit limit of the second organization", as found in claim 18, the examiner is of another opinion. As seen in col. 12, lines 5-11 of Webber, Jr. the transfer of funds is delayed until a flag is removed. It has been notoriously well known that financial flags as set for exceeding predetermined credit limits.

With respect to appellants' arguments concerning Issue D, pp. 38-41 of the Brief, the examiner submits Webber, Jr. teaches such features as set forth in the Final Office action.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Richard E. Chilcot, Jr.
Primary Examiner
Art Unit 3627

July 26, 2004

Conferees

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